



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 05-64

Date: August 29, 2005

Application No. 200500193

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
P.O. Box 1070, Nashville, TN 37202-1070

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Fill and Encapsulation of an Unnamed Tributary to Knob Creek,
Washington County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department
of the Army Permit pursuant to **Section 404 of the Clean Water Act (33 U.S.C. 1344)**.

Before a permit can be issued, certification must be provided by the State of Tennessee, Division
of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water
quality standards will not be violated. By copy of this notice, the applicant hereby applies for the
required certification.

APPLICANT: Wal-Mart Stores East, LP
2001 S.E. 10th Street
Bentonville, Arkansas 72716

LOCATION: Unnamed Tributary to Knob Creek
Sullivan County, Tennessee
lat: 36-21-18.5040 lon: 82-23-58.4160
USGS – Jonesboro, Tennessee

DESCRIPTION: The proposed work consists of the placement of an 84-inch corrugated metal
pipe (CMP) to encapsulate approximately 919 linear feet of an unnamed tributary to Knob Creek.
The applicant proposes to divert stream flow around the construction area in a pipe until the
installation of the CMP is completed or perform the work in the dry. The applicant has stated
that property constraints prohibit the relocation of the unnamed tributary onsite. The purpose of
the project is to provide a new retail store to serve the Johnson City community.

Mitigation: The applicant is searching for suitable stream mitigation in the site drainage basin to
mitigate for the loss of 919 linear feet of stream resource values. If suitable mitigation is not

located, the applicant would provide payment to the Tennessee Stream Mitigation Program or a combination of mitigation and in-lieu-fee payment.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

An archaeological and architectural assessment was performed by the applicant and submitted to the Tennessee Historical Commission (THC) for their review and comment. The THC responded by letter dated July 13, 2005, stating that based on the information provided the project area contains no historic properties eligible for listing in the National Register of Historic Places. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

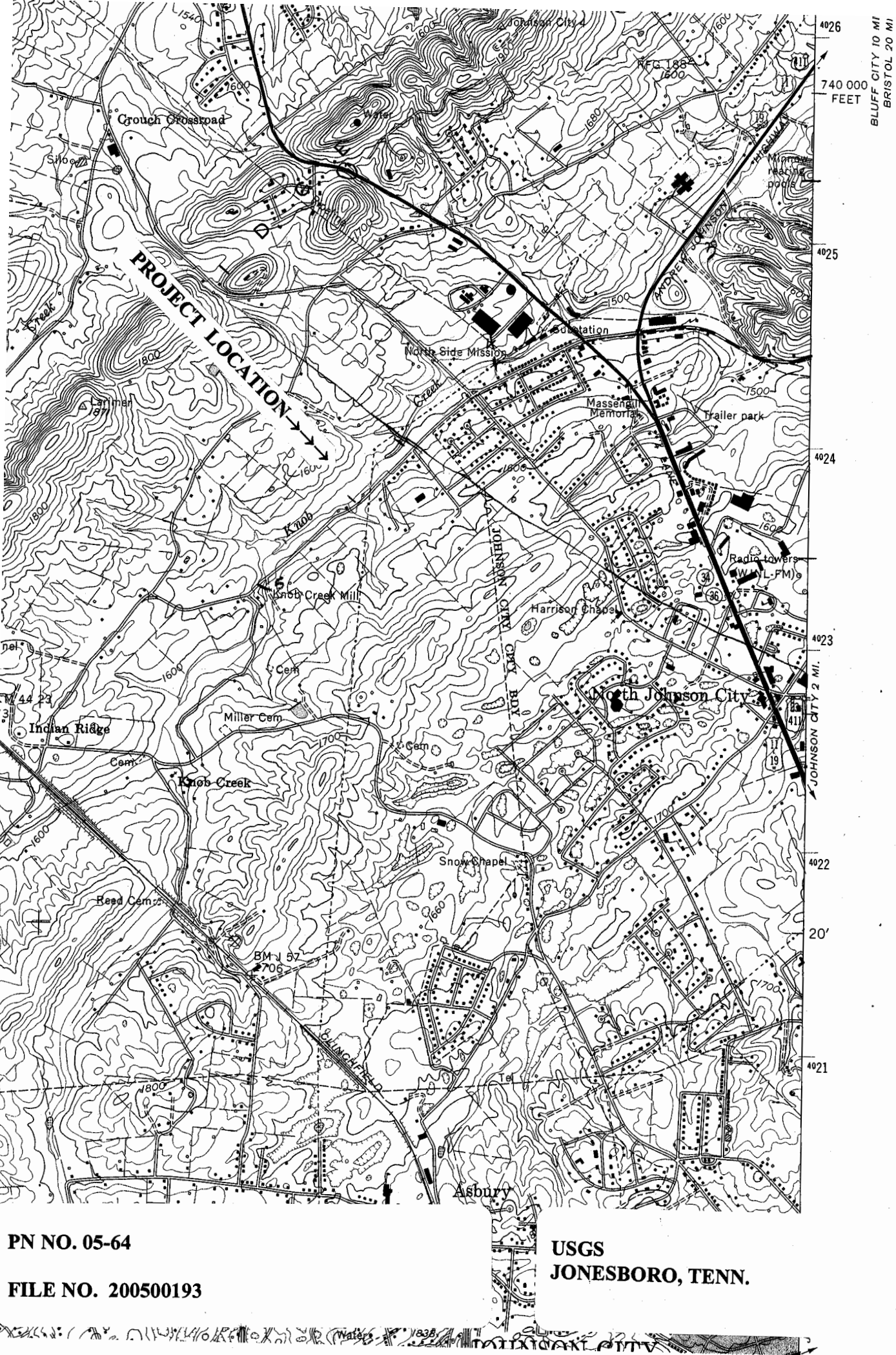
Other federal, state, and/or local approvals required for the proposed work are as follows:

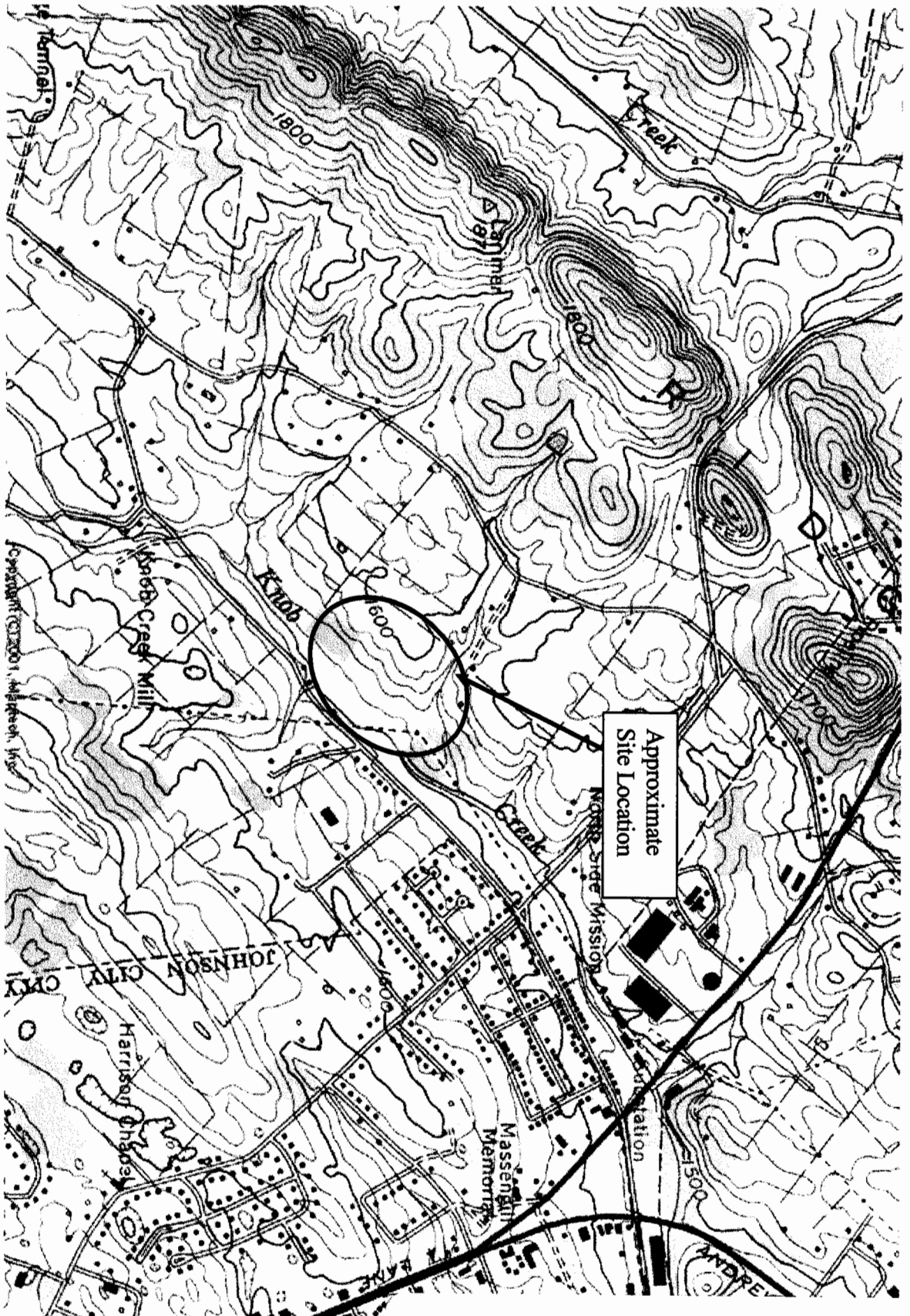
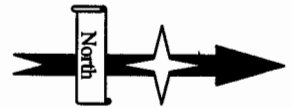
Water quality certification from the State of Tennessee, in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before September 29, 2005, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Carl Olsen, at the above address, telephone (615) 369-7513. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to:

Ms. Anne Patrick
TVA
WTR-1A-GRT
106 Tri-Cities Business Park Drive
Gray, Tennessee 37615





Topo Name: Jonesborough, TN	Scale: 1" = 1000'
Topo Date: 1959	Checked By: EMP
Topo Revision: 1968	Drawn By: BD
Contour Interval: 20 feet	Date: 01/10/05



Site Vicinity Map Proposed Sam's Wholesale Club State of Franklin Road Johnson City, Tennessee
Project No: 1434-04-403

Figure
1

PN NO. 05-64

FILE NO. 200500193



NOTES

BASE MAP PROVIDED BY SITE, INC.

200' 0' 200' 400'



SCALE 1" = 200'

CAD FILE: S:\2004 PROJECTS\403 SAM'S WHOLESALE-JOHNSON CITY\403W\DRAWINGS\ARAP FIGURE 2.DWG

SCALE: 1"=200'

CHECKED BY: EMP

DRAWN BY: AEH

DATE: 07-15-05



S&ME

ENGINEERING • TESTING
ENVIRONMENTAL SERVICES

STREAM RELOCATION PLAN
SAM'S WHOLESALE CLUB
STATE OF FRANKLIN ROAD
JOHNSON CITY, TENNESSEE

JOB NO: 1434-04-403W

FIGURE NO:

2

PN NO. 05-64

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